

U.S. Appln. Serial No. 09/609,913

Reply to Office Action Mailed November 2, 2007

REMARKS

In the Office Action dated November 2, 2007, claims 2, 3, 40, 41, 42-44, 50 and 51 were rejected under 35 U.S.C. § 112, second paragraph; claims 2, 3, 19, 40, 41, 50 and 51 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 6,687,226 (Galyas); claims 8, 46 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Galyas in view of U.S. Patent Application Publication No. 2001/0041575 (Amirijoo); claims 20, 21 and 42-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Galyas in view of U.S. Patent No. 6,320,873 (Nevo); and claims 9 and 10 were rejected under § 103(a) as being unpatentable over Galyas in view of Amirijoo and further in view of U.S. Patent No. 6,763,007 (La Porta).

Rejection Under 35 U.S.C. § 112, Paragraph 2

In claims 2, 3, 40-44, 50 and 51, the language "Gb network" was rejected. Instead, the Office Action suggested the use of "Gb interface." Applicant has made the amendment suggested by the Office Action. Applicant notes that the term "Gb network" is well supported in the specification. However, the amendment has been made to remove issues. Therefore, withdrawal of the § 112, paragraph 2, rejection is respectfully requested.

Rejections Under 35 U.S.C. §§ 102 and 103

Independent claim 2 was rejected as being anticipated by Galyas. It is respectfully submitted that claim 2 is not anticipated by Galyas.

Figure 1 of Galyas shows a base station system (BSS) that includes a BTS 140, a central control node 130 and an IP gateway 120, all interconnected by an IP network 110. Galyas refers to such a BSS as being an IP-based BSS.

Importantly, note that there is **no** teaching in Galyas of providing IP communications between the IP gateway 120 and the SGSN of Galyas. In fact, the presence of the "IP gateway" in the BSS depicted in Fig. 1 indicates that some conversion is occurring between the IP-based format of communications **inside** the BSS and external communication occurring between the BSS and the SGSN. In fact, such a conversion is explicitly taught by Galyas, which states that the IP gateway 120 "includes at least one

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packet control unit (PCU) 126 used to **convert** between IP-based transmissions and packet-switched transmissions including data received from or transmitted to a serving general packet radio service support node (SGSN) 160." Galyas, 3:24-28. (emphasis added). If the communication between the BSS and the SGSN 160 was according to the IP-based format, which appears to be what the Office Action is contending, then there would be **no** need for converting between the IP-based communications over the IP network 110 in the BSS and communications between the IP gateway 120 and the SGSN. Galyas does not explain the format or protocol of the "packet-switched transmissions" between the BSS and the SGSN 160. However, it is clear that the interface between the BSS and the SGSN of Galyas has to be a conventional Gb interface, as taught by Mustajarvi (U.S. Patent No. 6,512,756, cited by Office Action dated March 7, 2007), which is an application filed close to the time frame of Galyas. For example, Fig. 2 of Mustajarvi shows a Frame Relay based Gb interface between the BSS and the SGSN. In view of the evidence of record, it is clear that Galyas does not disclose a connectionless, packet-based protocol layer to communicate, over a Gb interface, packets with a connectionless, packet-based protocol layer of a base station system in a cell site. Since the SGSN of Galyas communicates with a BSS over a conventional Gb interface, i.e., a Frame Relay-based Gb interface, the SGSN of Galyas would **not** include a connectionless, packet-based protocol layer to communicate over the Gb interface as recited in claim 2.

Therefore, it is clear that claim 2 is not anticipated by Galyas.

Independent claim 19 was also rejected as being anticipated by Galyas. For similar reasons as stated above, Galyas does not disclose an SGSN having an IP layer to communicate over IP-based Gb interfaces with base station systems.

Therefore, claim 19 is also not anticipated by Galyas.

Independent claims 50 and 51 were also rejected as being anticipated by Galyas. With respect to claim 50, Galyas does not disclose a base station system having an IP layer to communicate over a Gb interface with a system controller according to IP. As discussed above, the Gb interface between the BSS and the SGSN of Galyas is a Frame Relay-based Gb interface.

Claim 51 is similarly allowable Galyas.

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Independent claim 46 was rejected as being obvious over Galyas and Amirijoo. It is respectfully submitted that claim 46 is clearly not rendered obvious by Galyas and Amirijoo. Like Galyas, Amirijoo also discloses a conventional Gb interface between a BSS and an SGSN. Therefore, even if Galyas and Amirijoo can be properly combined, the hypothetical combination would have resulted in a Gb interface between a BSS and a system controller that is a Frame Relay-based Gb interface. Therefore, the hypothetical combination of Galyas and Amirijoo would **not** have led to a base station system that has a module to communicate through a Gb interface with a system controller according to a connectionless packet-based protocol.

Independent claim 42 was rejected as being obvious over Galyas and Nevo. However, like Galyas, Figs. 2A and 2B of Nevo shows a Gb interface between the BSS and the SGSN that is a Frame Relay-based Gb interface.


Therefore, claim 42 is also non-obvious over Galyas and Nevo.

The dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims, the obviousness rejections of dependent claims have also been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0027US).

Respectfully submitted,

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